

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|  |                        |
|--|------------------------|
| In re Application of                   | :                      |
|  | :                      |
| Philippe KERTESZ <i>et al.</i>         | : Confirmation No.8615 |
|  | :                      |
| U.S. Patent Application No. 10/539,735 | : Group Art Unit: 2811 |
|  | :                      |
| Filed: June 20, 2005                   | : Examiner: Hung K. Vu |

For: SURFACE MOUNTED MICROWAVE PACKAGE AND CORRESPONDING  
MOUNTING WITH A MULTILAYER CIRCUIT

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

By Official Action mailed July 12, 2007 restriction to one of the following species is required under 35 USC 121:

**Embodiment 1 of Figures 1-3,**

**Embodiment 2 of Figures 4-7.**

In response, Applicants hereby elect **the species of Embodiment 1 including generic claims 1-9, 10 and 12-16 with traverse** for examination in this case. Claim 10 corresponds to the embodiment of Figs. 1-3 and claim 11 to the embodiment of Figs. 4-7.

All of the claims 1-16 are readable on the elected species.

The character of unity of the invention illustrated by the two embodiments can be easily noticed, considering the claims, and especially claim 1 which claims a microwave package delimiting an interior volume, comprising at least:

- a Faraday cage formed by a conducting surface surrounding the interior volume,
- a connection point placed outside the Faraday cage, the connection point being intended to be linked electrically to an exterior circuit,

- an input-output passing through the Faraday cage and linked electrically to the connection point,

- a base forming a face of the package, the exterior surface of the base forming a mounting surface intended to be applied to the exterior circuit, the connection point being placed on the mounting surface, so that the connection point is placed between the Faraday cage and the exterior circuit when the package is mounted on the exterior circuit.

- This claim corresponds to the first embodiment as far as it discloses:

- a Faraday cage made up of walls (4), an upper plate (5) placed on the walls and a lower plate (3) on which the walls and the upper plate are laid.

- a connection point (8a)

- an input-output (7a) passing through the Faraday cage

- a base (3) forming a face of the package.

As it is disclosed in the description, the specific feature of this first embodiment, is that the base is only constituted by the lower plate (3), in such a way that the connection point placed "on the mounting surface" is practically placed on the external side of the lower plate and connected to the electronic circuit by the means of a metallized hole (7a) passing through this lower plate,

- This claim also corresponds to the second embodiment as far as it discloses:

- a Faraday cage made up upper walls (42), an upper plate (41) placed on the walls, lower walls (45) and a lower plate (47) on which the walls and the upper plate are (partially) laid.

- a connection point (8a)

- an input-output (48) passing through the Faraday cage

- a base (45 and 47) forming a face of the package.

As it is also disclosed in the description, the specific feature of this second embodiment, is that the base is constituted not only by the lower plate (43) but also by the lower walls (45), in such a way that the connection point

placed "on the mounting surface" is practically placed on the external bottom side of a lower wall (45) and connected to the electronic circuit by the means of a metallized hole (7a) passing through this lower wall.

So, as you can notice, no one of the two embodiments recites features liable to exclude the other embodiment. No one of the disclosed features of an embodiment is incompatible with any of the features of the other embodiment.

Applicants election is made with traverse. The requirement should be withdrawn for at least the following reasons. MPEP §803 states that "If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions."

Only claim 11 is drawn to the second embodiment. All of the claims in this application can be searched and examined together without serious burden.

Applicants do not traverse on the grounds that the species are not patentably distinct. See MPEP §806.04(h).

Early examination on the merits is courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN HAM & BERNER, LLP**



Kenneth M. Berner  
Registration No. 37,093

1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111 KMB/jlb  
Facsimile: (703) 518-5499  
**Date: September 12, 2007**